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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 EDDIE LEE LEMMON,

9 Plaintiff,

10 v.

11 PIERCE COUNTY,

12 Defendant.

NO. C21-5390RSL

ORDER DENYING MOTION TO  
STAY

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14 This matter comes before the Court on defendant Pierce County's "Motion for Relief  
15 from Deadlines and Protection Order Staying Discovery." Dkt. # 13. Having reviewed the  
16 memoranda and declarations submitted by the parties, as well as the underlying motion to  
17 dismiss, the Court finds as follows:

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19 The Federal Rules of Civil Procedure impose clear duties to disclose that are triggered by  
20 certain, specified events. *See* Fed. R. Civ. P. 26(a)(1) and 26(d)(1). The rules do not provide an  
21 automatic stay of discovery if a motion to dismiss is filed: such motions are often unsuccessful  
22 and a stay could cause unnecessary and significant delays at the outset of the litigation. The  
23 Court nevertheless has discretion to stay discovery if defendant shows that it is entitled to a  
24 protective order under Rule 26(c) "to protect a party or person from annoyance, embarrassment,  
25 oppression, or undue burden or expense . . . ." *See Lazar v. Kroncke*, 862 F.3d 1186, 1203 (9th  
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1 Cir. 2017) (“District court[] orders controlling discovery are reviewed for an abuse of  
2 discretion.”).

3 The pending motion to dismiss asserts that (a) plaintiff lacks standing to challenge the  
4 fees and fines that were assessed against him when his legal financial obligations were referred  
5 to a private company for collection, (b) the claims are not ripe and/or are an impermissible  
6 collateral attack on the Superior Court’s judgment, (c) the State, rather than the County, is the  
7 correct defendant or, in the alternative, the County cannot be held liable for the conduct of its  
8 judicial officers or other employees, (d) plaintiff has not adequately alleged the deprivation of  
9 any constitutional right, and (e) declaratory and injunctive relief are unavailable. The mere  
10 existence of a motion to dismiss is insufficient on its own to warrant a stay of discovery, and the  
11 Court is not “convinced that the plaintiff will be unable to state a claim for relief.” *Wenger v.*  
12 *Monroe*, 282 F.3d 1068, 1077 (9th Cir. 2002). The arguments that could resolve the entire case  
13 do not, upon first glance, appear to be persuasive, and success on discrete issues would not  
14 obviate the need for discovery. Defendant does not argue that discovery related to the procedures  
15 and policies governing the referrals of legal financial obligations to private corporations for  
16 collection would be unduly burdensome, oppressive, or embarrassing. It has not, therefore, met  
17 its burden for a protective order under Rule 26(c).  
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22 For all of the foregoing reasons, defendant’s motion for a stay of discovery is DENIED.  
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24 Dated this 7th day of July, 2021.

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26 Robert S. Lasnik  
27 United States District Judge